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Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 IN RE SEAGATE TECHNOLOGY LLC
LITIGATION

No. 3:16-cv-00523-JCS

20 DECLARATION OF STEVE W.
BERMAN IN SUPPORT OF
21 PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION
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1 I, STEVE W. BERMAN, declare as follows:

2 1. I am the managing partner of the law firm Hagens Berman Sobol Shapiro LLP,
3 attorneys for plaintiffs in the above-titled action. I have personal knowledge of the matters stated
4 herein and, if called upon, I could and would competently testify thereto.

5 2. Plaintiffs have actively served the class thus far, including responding to multiple
6 discovery requests, producing documents, and traveling multiple days to attend their depositions.

7 3. Attached hereto are true and correct copies of the following exhibits:

8 Exhibit 1: Document Bates-numbered FED_SEAG0027180-0027181, produced in the
9 above-captioned litigation by Defendant;

10 Exhibit 2: Document Bates-numbered FED_SEAG0031453-0031473, produced in the
above-captioned litigation by Defendant;

11 Exhibit 3: Document Bates-numbered FED_SEAG0012340-0012364, produced in the
12 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;

13 Exhibit 4: Document Bates-numbered FED_SEAG0018291-0018292, produced in the
14 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;

15 Exhibit 5: Document Bates-numbered FED_SEAG0020297-0020298, produced in the
16 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;

17 Exhibit 6: Document Bates-numbered FED_SEAG0004700-0004701, produced in the
18 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;

19 Exhibit 7: Document Bates-numbered FED_SEAG0000440-0000441, produced in the
20 above-captioned litigation by Defendant;

21 Exhibit 8: Document with the identification number of PLTFS_000106-000114,
produced in the above-captioned litigation by Plaintiffs;

22 Exhibit 9: Document Bates-numbered FED_SEAG00002505-0002557, produced in the
23 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;

24 Exhibit 10: Excerpts from the Deposition of Jeffrey Fochtman, taken in the above-
25 captioned litigation on August 19, 2017 and designated "HIGHLY
CONFIDENTIAL" by Defendant pursuant to the protective order in this
26 action;

27 Exhibit 11: Document Bates-numbered FED_SEAG0015567-0015568, produced in the
28 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;

- 1 Exhibit 12: Document Bates-numbered FED_SEAG0005081-0005100, produced in the
2 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
3 pursuant to the protective order in this action and marked as Exhibit 3 to the
4 August 19, 2017 deposition of Jeffrey Fochtman;
- 5 Exhibit 13: Desktop HDD 2012 Data Sheet dated December 2012;
- 6 Exhibit 14: April 26, 2012, website screenshot, "Desktop Hard Drives," captured at
7 <https://web.archive.org/web/20120426215455/>;
- 8 Exhibit 15: Barracuda Data Sheet dated November 2011;
- 9 Exhibit 16: Storage Solutions Guide dated October 2012;
- 10 Exhibit 17: Desktop HDD Product Manual dated March 2016;
- 11 Exhibit 18: Document Bates-numbered FED_SEAG0004438-0004475, produced in the
12 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
13 pursuant to the protective order in this action;
- 14 Exhibit 19: Document Bates-numbered FED_SEAG0003639-0003676, produced in the
15 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
16 pursuant to the protective order in this action;
- 17 Exhibit 20: Documents Bates-numbered FED_SEAG0004783-0004810, produced in the
18 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
19 pursuant to the protective order in this action;
- 20 Exhibit 21: Document Bates-numbered FED_SEAG0006442-0006445, produced in the
21 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
22 pursuant to the protective order in this action;
- 23 Exhibit 22: Document Bates-numbered FED_SEAG0057214-0057216, produced in the
24 above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by
25 Defendant pursuant to the protective order in this action;
- 26 Exhibit 23: Document Bates-numbered FED_SEAG0002673-0002680, produced in the
27 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
28 pursuant to the protective order in this action;
- Exhibit 24: Document Bates-numbered FED_SEAG0024743-0024763, produced in the
above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by
Defendant pursuant to the protective order in this action;
- Exhibit 25: Document Bates-numbered FED_SEAG0010102-0010111, produced in the
above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;
- Exhibit 26: Document Bates-numbered FED_SEAG0054829-0054832, produced in the
above-captioned litigation and designated "CONFIDENTIAL" by Defendant
pursuant to the protective order in this action;
- Exhibit 27: Excerpts from the Deposition of Alan Weir Clark, taken in the above-
captioned litigation on October 20, 2017;

- 1 Exhibit 28: Defendant Seagate Technology LLC's Supplemental Responses to Plaintiff
- 2 Christopher Nelson's First Set of Interrogatories, dated August 18, 2017, and
- 3 designated "HIGHLY CONFIDENTIAL" by Defendant;
- 4 Exhibit 29: Excerpts from the Deposition of Dennis Crawford, taken in the above-
- 5 captioned litigation on June 15, 2017;
- 6 Exhibit 30: Excerpts from the Deposition of Dudley Lane Dortch, IV, taken in the
- 7 above-captioned litigation on July 12, 2017;
- 8 Exhibit 31: Excerpts from the Deposition of Joshua Enders, taken in the above-
- 9 captioned litigation on June 7, 2017;
- 10 Exhibit 32: Excerpts from the Deposition of David Schechner, taken in the above-
- 11 captioned litigation on June 6, 2017;
- 12 Exhibit 33: Excerpts from the Deposition of James Hagey, taken in the above-captioned
- 13 litigation on July 24, 2017;
- 14 Exhibit 34: Excerpts from the Deposition of Nikolas Manak, taken in the above-
- 15 captioned litigation on July 24, 2017;
- 16 Exhibit 35: Excerpts from the Deposition of Christopher Nelson, taken in the above-
- 17 captioned litigation on June 2, 2017;
- 18 Exhibit 36: Excerpt from documents Bates-numbered FED_SEAG00035341-42,
- 19 produced in the above-captioned litigation and designated
- 20 "CONFIDENTIAL" by Defendant pursuant to the protective order in this
- 21 action;
- 22 Exhibit 37: Excerpts from the Seagate Technology 30(b)(6) Deposition of Bruce Marc
- 23 Schwartz, taken in the above-captioned litigation on October 19, 2017;
- 24 Exhibit 38: Document Bates-numbered FED_SEAG0002103-0002105, produced in the
- 25 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 26 pursuant to the protective order in this action;
- 27 Exhibit 39: Document Bates-numbered FED_SEAG0009464, produced in the
- 28 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 29 pursuant to the protective order in this action;
- 30 Exhibit 40: Document Bates-numbered FED_SEAG0012108-0012148, produced in the
- 31 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 32 pursuant to the protective order in this action;
- 33 Exhibit 41: Document Bates-numbered FED_SEAG0015574-0015576, produced in the
- 34 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 35 pursuant to the protective order in this action;
- 36 Exhibit 42: Document Bates-numbered FED_SEAG0006016-0006018, produced in the
- 37 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 38 pursuant to the protective order in this action;
- 39 Exhibit 43: Document Bates-numbered FED_SEAG0004853-0004854, produced in the

above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 44: Document Bates-numbered FED_SEAG0010119-0010125, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 45: Document Bates-numbered FED_SEAG0004309-0004347, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 46: Document Bates-numbered FED_SEAG0015901-0015907, produced in the above-captioned litigation and designated “HIGHLY CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 47: Document Bates-numbered FED_SEAG0016455, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 48: Document Bates-numbered FED_SEAG0018144-0018176, produced in the above-captioned litigation and designated “HIGHLY CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 49: Document Bates-numbered FED_SEAG0035574-0035581, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 50: Document Bates-numbered FED_SEAG0000506, produced in the above-captioned litigation by Defendant;

Exhibit 51: Document Bates-numbered BB_CTRL0000194, produced in the above-captioned litigation and marked “Seagate Confidential” by Defendant;

Exhibit 52: Declaration of Derek Noer; and

Exhibit 53: Firm Resume of Hagens Berman Sobol Shapiro LLP.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 8th day of November, 2017 at Seattle, Washington.

s/ Steve W. Berman

STEVE W. BERMAN